



Comhairle Cathrach
& Contae Limerick
Limerick City
& County Council



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

Anthony O'Dwyer

Applicant's Address:

71 CASTLEWELL

AUTHBOURNE AVENUE

SOUTH CIRCULAR ROAD Limerick

Telephone No.



Name of Agent (if any):

GILFEE M'DONNELL O'SULLIVANESKY LTD.

Address:

UNIT 15 Limerick BUSINESS Complex.

KEATING ROAD, RATHEEN BUSINESS

Park Limerick

Telephone No.

061-500050

Address for Correspondence:

UNIT 15 Limerick BUSINESS Complex.

KEATING ROAD, RATHEEN BUSINESS Park

Limerick V94 F68A.



Location of Proposed development (Please include **EIRCODE**):

ROSBREEN ROAD
LIMERICK
V94AY1K

Description of Proposed development:

Proposed Demolition of Existing Rear Extension,
12.6 sqm (Area 1980's) and Construct an Extension
to the Rear of Existing Dwelling. Total Area
Including Demolished Extension. 39.92 sq m.

Section of Exempted Development Regulations and/or section of the Act under which exemption is claimed:

CLASS 1.

Is this a Protected Structure or within the curtilage of a Protected Structure.

~~YES~~/NO

Applicant's interest in site: OWNER

List of plans, drawings, etc. submitted with this application:

Draw No 24.005.01 SITE ADJUT PLAN.
Draw No 24.005.02 Plans, ELEVATIONS & SECTIONS.
O.S. Map

Have any previous extensions/structures been erected at this location YES/~~NO~~

If Yes please provide floor areas of all existing structures:

Existing Extension 12.6 sqm to the Rear of
the Dwelling. Extension to be Demolished
and Area Incorporated into Proposed
Extension

Signature of Applicant (or Agent)

[Signature] Agent.
GILLIECE McDONNELL O'SHAUGHNESSY LTD.

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**

**GILLEECE McDONNELL
O'SHAUGHNESSY LTD
CHARTERED SURVEYORS
&
DESIGN/PLANNING CONSULTANTS
Unit 15, Limerick Business Complex, Keating Road
Raheen Business Park, Limerick
Tel: 061-500050 Email: info@gmcdos.ie**

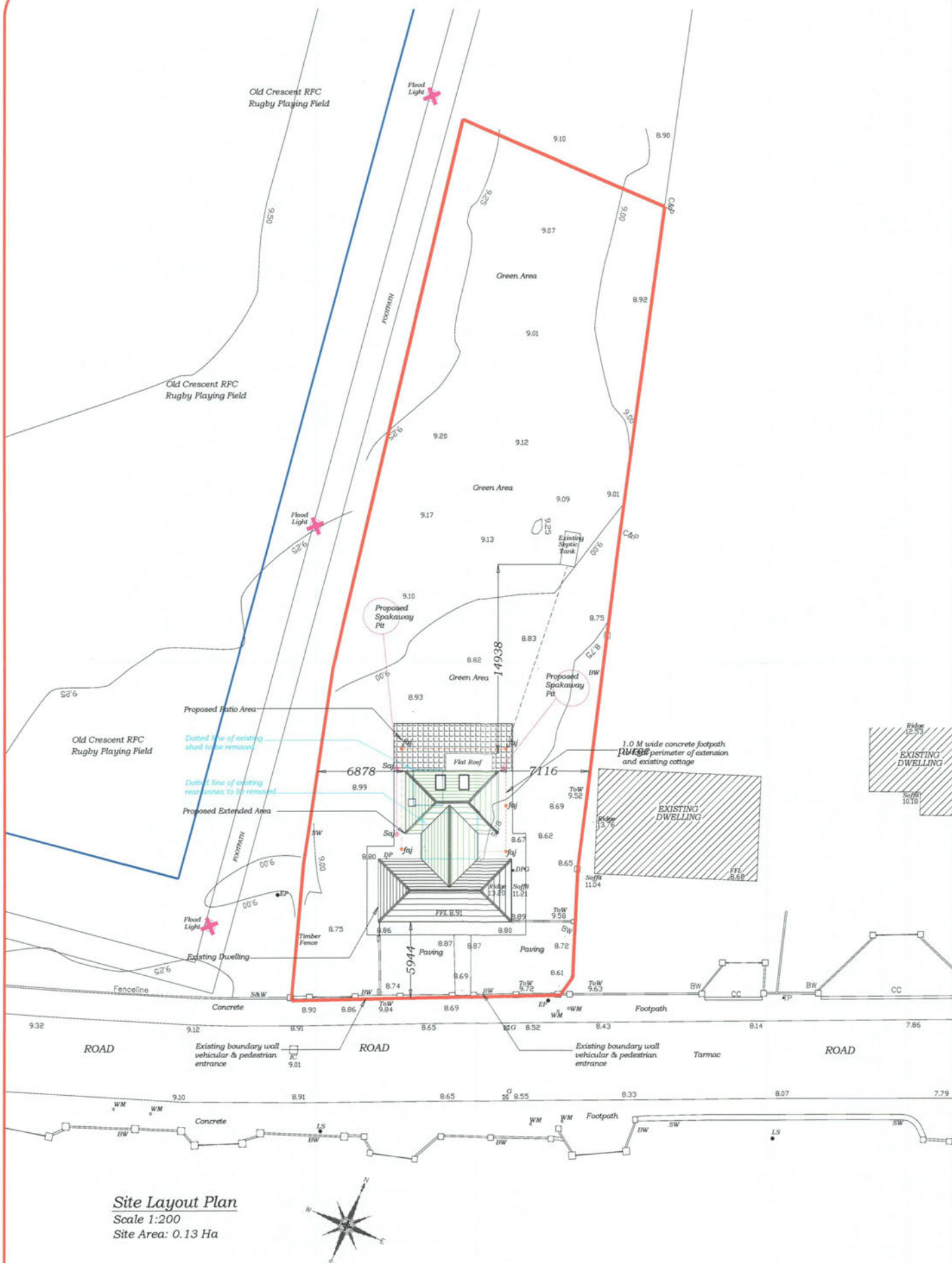
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N
A



Site Layout Plan
Scale 1:200
Site Area: 0.13 Ha

- Notes:
1. The Contractor is to check and verify all building and site dimensions levels, and street levels at connection points, before work starts.
 2. The drawings must be read with and checked against any structural or other specialist drawings provided.
 3. All details or dimensions relating to Subcontractors or Suppliers, work must be checked and agreed between the General Contractors and the Subcontractors or Suppliers.
 4. The contractor is to comply in all respects with the current Building Regulation, whether or not specifically stated on drawings.
 5. The drawing and the building works depicted, are the copyright of the Architects, and may not be reproduced except by written permission.

**GILLECE
McDONNELL
O'SHAUGHNESSY**
G.McD'S

Unit 15 Limerick Business Complex,
Keating Rd, Rabens Business Park,
Limerick

**CHARTERED
SURVEYORS
&
DESIGN/
PLANNING
CONSULTANTS**

Tel: 061-306029
Email: info@gmcds.ie

Job: PROPOSED EXTENSION & RENOVATIONS
ROSBRIEN ROAD, LIMERICK.
Client: MR ANTHONY O DWYER
Design: SITE LAYOUT PLAN

Date: APRIL 2026 Drawn by: J.O.S. Scale 1:200

Job no: 24.005

Sheet: 01 Rev: .



Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

Reference no. EC-086-26

Name and Address of Applicant: Anthony O'Dwyer
71 Castlewell
Ashbourne Avenue
South Circular Road
Limerick

Agent: Gilleece McDonnell O'Shaughnessy Ltd
Unite 15 Limerick Business Complex
Keating Road
Raheen Business Park
Limerick

Location: Rosbrien Road
Limerick
V94 AY1K

Description of Site and Surroundings:

The site is occupied by a single storey dwelling on Rosbrien Road in Limerick City



Zoning:
Existing Residential

Proposal:
This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Demolition of existing rear extension (12.6sqm) and construction of extension to rear of dwelling with a gfa of 39.92sqm.

This Section 5 declaration includes the following:

- Application Form
- Site location
- Elevations
- Floor plans

Planning History:

None

Enforcement History

N/A

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘**structure**’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines ‘**development**’ as ‘the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land’.

The proposed development on site, comprising the demolition of an existing kitchen and the construction of an extension to rear of dwelling constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal for the demolition of existing extension and construction of an extension to rear of dwelling will be assessed under Class 1 and Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Is the development within the curtilage of a house?

Yes, the extension is to the rear of the house and within the curtilage.

Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered Exempted Development, subject to the following Conditions and Limitations:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

The house has been extended previously and stated floor area is 12.6sqm but this is to be demolished to facilitate the extension of 39.92sqm

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

N/A

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

N/A No development proposed above ground

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

House has been extended previously which does not appear to have the benefit of planning permission. Previous extension of 12.6sqm is proposed to be demolished to facilitate the new extension of 39.92sqm.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

N/A

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

No works proposed above ground floor.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

No works proposed above ground floor.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

The rear wall does not include a gable. The height of the walls of the extension would not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

N/A

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

The height would not exceed the height of eaves or parapet or height of highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The construction of the rear extension would not reduce the area of private open space to less than 25sqm.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

Windows are proposed but are not less than 1 metre from the boundaries they face.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

N/A no above ground floor extension

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

No works above ground floor.

7. The roof of any extension shall not be used as a balcony or roof garden.

The submitted plans do not show a balcony or roof garden.

Class 50(b)

50 (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule, or in accordance with a permission for an extension or porch under the Act.

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

As per the plans submitted, the existing kitchen to the rear is to be demolished which has a gfa of 12.6sqm. It does not abut on another building in separate ownership. The proposal includes for the construction of a larger single storey pitched roof extension of approximately 39.92sqm.

I am satisfied that the demolition of the existing extension is exempted under Class 50 (b) of Part 1 Schedule 2 Exempted Development, Planning & Development Regulations 2001 (as amended).

Article 9 Restrictions

'The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended)'.

Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

It is noted that the front door of the dwelling is to be removed and relocated to the side of the dwelling while the existing chimney is also to be removed and a new chimney proposed to the rear extension. Section 4(1)(h) of the Act states that *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*'. It is

considered that the proposed works will not materially affect the external appearance of the dwelling so as to render it inconsistent with the character of the structure or of neighbouring structures.

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not necessary (See appendix 1 for AA Screening Form).

Environmental Impact Assessment

Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation

The proposed demolition of the existing rear extension and the proposed new rear extension is considered exempted development under Class 1 and Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 1 and Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Section 4(1)(h) of the Planning and Development Act 2000 (as amended)
- (c) The plans & particulars submitted with the application received on 25th May 2026.

It is therefore considered that the said works are development and exempted development under Class 50(b) & Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) / Planning and Development Act 2000 (as amended).



Áine Leland
Executive Planner
Date 09/06/2026

Agreed 
Gráinne O', S.E.P

Date: 09/06/2026

Appendix 1- AA Screening examination
AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:

a. File Reference No:	EC/086-26
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether the replacement of an existing sunroom with a single storey flat roof extension is exempted development
c. Brief description of site characteristics:	The site is located within Limerick City on Rosbrien Road and occupied by a single storey dwelling
d. Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
e. Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
Lower River Shannon SAC 002165	https://www.npws.ie/protected-sites/sac/002165	2km	No	N
River Shannon and River Fergus SPA 004077	https://www.npws.ie/protected-sites/sac/004077	2.7km	No	N

STEP 3: Assessment of Likely Significant Effects

a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

Operation phase e.g. • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g collision risk) • Potential for accidents or incidents	None works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	N/A given the level of development. Existing dwelling in situ within an urban environment with no hydrological connection to SAC or direct encroachment on SPA due to separation distance.

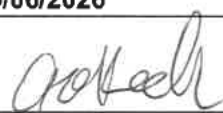
b. Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	None. The application site is not located adjacent to or within an EU site identified above. Therefore, there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.

c. (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)
☐ Yes ☒ No

STEP 4: Screening Determination Statement
The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: • the nature and scale of the proposed development on fully serviced lands, • the intervening land uses and distance from European sites, • the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites

or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

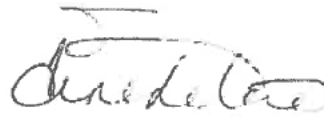
Conclusion: AA Screening is not required.

	Tick as appropriate:	Recommendation:
i. It is clear that there is no likelihood of significant effects on a European Site	☒	The proposal can be screened out: Appropriate Assessment not required.
ii. It is uncertain whether the proposal will have a significant effect on a European Site	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
iii. Significant effects are likely	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	 Áine Leland Executive Planner 09/06/2026	
Signature and Date of the Decision Maker:	 Gráinne O'Keeffe, Senior Executive Planner 09/06/2026	

Appendix 2 – EIA Screening
Appendix 2 – EIA screening examination

Planning Register Reference:	EC-086-26	
Development Summary:	This is an application requesting a Section 5 Declaration on whether the replacement of an existing sunroom with a single storey flat roof extension is exempted development	
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further action required ☒ No. Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
☐ Yes, specify class: [insert here]____ _		EIA is mandatory No Screening required
☒ No		Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
☒ No, the development is not a project listed in Schedule 5, Part 2		No Screening required
☐ Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here]____ _		EIA is mandatory No Screening required
☐ Yes the project is of a type listed but is <i>sub-threshold</i> :		Proceed to Part C
c. If Yes, has Schedule 7A information/screening report been submitted?		
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required

Signature and Date of Recommending Officer:



Aine Leland
Executive Planner
09/06/2026

Signature and Date of the Decision Maker:



Gráinne O'Keeffe,
Senior Executive Planner
09/06/2026



Comhairle Cathrach
& Contae **Luimnigh**
Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Dail
Tuair an Dail
Luimneach
V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

Anthony O'Dwyer,
c/o Gilleece McDonnell O'Shaughnessy Ltd,
Unit 15 Limerick Business Complex,
Keating Road,
Raheen Business Park,
Limerick.

EC/086/26

17 June 2026

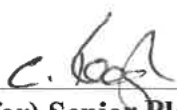
Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,


(for) Senior Planner,
Development Management

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/750

File Ref No. EC/086/26

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **Demolition of existing rear extension (12.6sqm) and construction of extension to rear of dwelling with a gfa of 39.92sqm at Rosbrien Road, Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/058 dated 25th May 2026, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Grainne O'Keffee, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Áine Leland, Executive Planner dated 09/06/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Anthony O'Dwyer, c/o Gilleece McDonnell O'Shaughnessy Ltd, Unit 15 Limerick Business Complex, Keating Road, Raheen Business Park, Limerick to state that the works as described above is

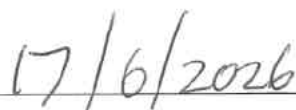
Development and is Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date





Comhairle Cathrach
& Contae Luimnigh
**Limerick City
& County Council**

An Roinn Pleanála
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Bóthar Thuar an Daill
Tuar an Daill
Luimneach
V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/086/26

Name and Address of Applicant: Anthony O'Dwyer, 71 Castlewell, Ashbourne Avenue, South Circular Road, Limerick

Agent: Gilleece McDonnell O'Shaughnessy Ltd, Unit 15 Limerick Business Complex, Keating Road, Raheen Business Park, Limerick

Whether the demolition of existing rear extension (12.6sqm) and construction of extension to rear of dwelling with a gfa of 39.92sqm at Rosbrien Road, Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 25th day of May 2026.

AND WHEREAS the Planning Authority has concluded that demolition of existing rear extension (12.6sqm) and construction of extension to rear of dwelling with a gfa of 39.92sqm at Rosbrien Road, Limerick **DOES** come within the scope of exempted development under Class 50(b) & Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) / Planning and Development Act 2000 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is Exempted Development.**

Signed on behalf of the said Council

Date:

17.6.2026

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.